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FROM THE U.S. MISSION TO THE UN AGENCIES IN ROME

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E.O. 12958: N/A

TAGS: [AORC UNIDROIT](#)

SUBJECT: AD-HOC UNIDROIT ELECTION COMMITTEE MEETING

REF: BURMAN/BERTON E-MAIL OF 2/23

1. Summary: an ad-hoc committee of the International Institute for the Unification of Private Law (UNIDROIT) met on February 28 to discuss changes to the organization's by-laws that would guarantee geographic representation on the Governing Council. A general consensus formed around a minimalist approach of a guarantee for one country in each of four regions (Africa, Asia, Europe and others, Latin America). However, the final report to be forwarded to the Governing Council will detail all views expressed, including the U.S. End Summary.

2. The formation of the ad-hoc committee was the result of the November 2003 Governing Council elections, in which none of the three candidates from Africa secured a seat, effectively shutting out the entire continent (an undesirable result, consensus indicates). The November 2004 General Assembly approved a secretariat proposal for the convening of an ad-hoc committee to prepare proposals to amend UNIDROIT by-laws in order to ensure minimum representation for each region of the world. The three-hour February 28 meeting, attended by more than 25 countries (participation was open and voluntary) was the first and very likely only session of the committee. A report of the meeting will be circulated among participants and then forwarded to the Governing Council for deliberation at its April 18 - 20 meetings.

3. In preparation for the meeting, the secretariat prepared a paper outlining two principal tasks for the committee: a definition of the term "region," and a determination of how many countries per region should be guaranteed a seat. Most of the debate centered on the definition of "region," with a general consensus that a minimal number of four (Africa, Asia, Europe and others, Latin America) was most appropriate. There was only a short debate regarding the number of countries that should be guaranteed representation, as the U.S. was the only nation that spoke in favor of more than a single seat per region.

4. Per guidance provided by L, U.S. rep spoke of the opportunity for real change in an organization long-dominated by Europeans. U.S. rep argued that while the traditions that have served the organization well in the past can be appreciated, it is time to look to the future and for what is best for the organization moving forward. U.S. rep proposed two seats per region and a modified FAO-style definition of regions that would have increased the overall number to seven. There was minor sympathy for the U.S. point of view, particularly when the SYG mentioned a 2003 brainstorming session that concluded the organization needed to find ways to bring nations outside Europe, particularly developing nations, into the fold. For the purposes of the narrow focus of the ad hoc committee, however, most reps simply wanted to do what was necessary to guarantee Africa a Governing Council seat and nothing more. Most of the participants stayed silent except for one-sentence endorsements of the four-region concept and for minimal wording changes to the by-laws. Said changes (proposed by both Spain and South Africa) were simple, assuring geographic representation for the highest vote getter from each region.

5. Also per the guidance, U.S. rep proposed other organizational changes that would not require an amendment to the by-laws. As this was technically outside the mandate of the committee, the response was muted. As a result, U.S. rep instead promised to shortly circulate a text containing the proposed changes and suggested a more in depth discussion either during or on the sidelines of the Governing Council meeting in April. In addition, though the committee's final report will indicate a general consensus around a single-seat guarantee for a four-region world, it will add that a "significant minority" expressed a preference for an expanded definition of "region" (reasoning will also be a part of the report) as well as more than one guaranteed seat per region.

6. Comment: with more time and a smaller group perhaps the

U.S. view would have been more influential, but most reps simply wanted to do the minimum necessary. The sheer number of participants, however (a surprising 27 countries), indicates that the issue does resonate. The committee's report will go to the Governing Council for discussion next month and on to the General Assembly for approval in November. The U.S. should take advantage of those and other opportunities to present its views and to continue to promote change. End Comment.

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